



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/749,064
Filing Date	12/30/2003
First Named Inventor	Tomaschy
Art Unit	3746
Examiner Name	YU
Attorney Docket Number	2027/17(b)

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**Remarks**

Copy of original response to the Missing Parts received 4/29/04 by the PTO Return Postcard

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Dorr, Carson, Sloan, Birney & Kramer PC		
Signature	<i>W. Scott Carson</i>		
Printed name	W. Scott Carson		
Date	10/08/2004	Reg. No.	27,292

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>W. Scott Carson</i>		
Typed or printed name	W. Scott Carson	Date	10/08/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



*5 fee*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of :  
Willard R. Tormaschy et al. : Group Art Unit: 3746  
Serial No.: 10/749,064 : Examiner: JUSTINE YU  
Filed: 12/30/03 :  
For: WATER CIRCULATION SYSTEMS : Att: Tu  
FOR PONDS, LAKES, AND OTHER : OIPE  
BODIES OF WATER :

Certificate of Mailing

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated below addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

*W. Scott Carson*

10/08/2004

W. Scott Carson, Reg. No. 27,292

Date of Deposit

STATUS REQUEST

MS Missing Parts  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants mailed the attached Missing Parts including the Declaration on April 27, 2004. The return postcard (copy enclosed) indicates it was received April 29, 2004 by the PTO but applicants have not as yet received the corrected filing receipt.

A copy of items 1-2 and 4-9 listed in the enclosed copy of the original return card is enclosed.

Please charge any additional fees due or credit any refund to Account No. 04-1414.

Respectfully submitted,

DORR, CARSON, SLOAN, BIRNEY & KRAMER PC

By: *W. Scott Carson*  
W. Scott Carson  
Reg. No. 27,292  
3010 East 6th Avenue  
Denver, Colorado 80206  
(303) 333-3010

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,064	12/30/2003	Willard R. Tormaschy	2027/17(b)

W. Scott Carson, Esq.  
 Dorr, Carson, Sloan, Birney & Kramer, P.C.  
 3010 East 6th Avenue  
 Denver, CO 80206



CONFIRMATION NO. 7383  
 FORMALITIES LETTER



\*OC000000012369720\*

Date Mailed: 04/15/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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  I  TU  

Customer Service Center

Initial Patent Examination Division (703) 308-1202

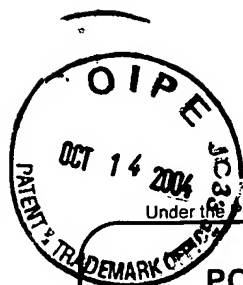
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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PTO/SB/81 (06-03)

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/749,064
Filing Date	December 30, 2003
First Named Inventor	Willard R. Tormaschy
Title	WATER CIRCULATION SYSTEMS FOR PONDS, LAKES, AND OTHER BODIES OF WATER
Art Unit	
Examiner Name	
Attorney Docket Number	2027/17(b)

I hereby appoint:

☒ Practitioners at Customer Number:

23381

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	W. Scott Carson, Esq.				
Address	Dorr, Carson, Sloan, Birney & Kramer, P.C.				
Address	3010 East 6th Avenue				
City	Denver	State	CO	Zip	80206
Country	U.S.A.				
Telephone	303-333-3010	Fax	303-333-1470		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name	Joel J. Bleth		
Signature			
Date	JAN 27 2004	Telephone	703 254 4941

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Willard R. Tormaschy et al.

Application No./Patent No.: 10/749,064 Filed/Issue Date: December 30, 2003

Entitled: WATER CIRCULATION SYSTEMS FOR PONDS, LAKES, AND OTHER BODIES OF WATER

PSI-ETS, a North Dakota partnership  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [x] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

✓ Jim 29 2004

Date

701 225 4494

Telephone number

Joel J. Bleth

Typed or printed name

✓ Joel J. Bleth

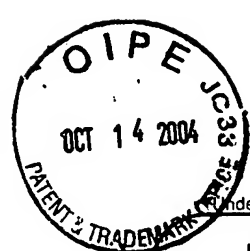
Signature

Managing Partner

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/01 (08-03)

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## DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration  
Submitted  
With Initial  
Filing.

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

2027/17(b)

First Named Inventor

Willard R. Tormaschy

COMPLETE IF KNOWN

Application Number

10/749,064

Filing Date

December 30, 2003

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

WATER CIRCULATION SYSTEMS FOR PONDS, LAKES, AND OTHER BODIES OF WATER

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

12/30/2003

as United States Application Number or PCT International

Application Number

10/749,064

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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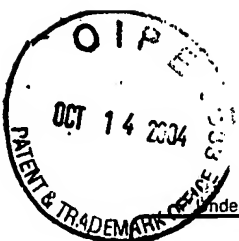
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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: <span style="border: 1px solid black; padding: 2px 20px;">23381</span> <b>OR</b> <input checked="" type="checkbox"/> Correspondence address below			
Name W. Scott Carson, Esq. Dorr, Carson, Sloan, Birney & Kramer, P.C.			
Address 3010 East 6th Avenue			
City Denver	State CO	ZIP 80206	
Country U.S.A.	Telephone 303-333-3010	Fax 303-333-1470	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Willard R.		Family Name or Surname Tomaschy	
Inventor's Signature <i>Willard R. Tomaschy</i>		Date <i>1-27-04</i>	
Residence: City Dickinson	State ND	Country U.S.A.	Citizenship U.S.A.
Mailing Address 819 8th Avenue West			
City Dickinson	State ND	ZIP 58601	Country U.S.A.
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Gary A.		Family Name or Surname Kudma	
Inventor's Signature <i>Gary A. Kudma</i>		Date <i>1-27-04</i>	
Residence: City Dickinson	State CO	Country U.S.A.	Citizenship U.S.A.
Mailing Address 6320 107 Street N.W.			
City Dickinson	State CO	ZIP 58601	Country U.S.A.
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			





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PTO/SB/02A (08-03)

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**DECLARATION****ADDITIONAL INVENTOR(S)**

Supplemental Sheet

Page 1 of 1

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Tait J.		Obritsch					
Inventor's Signature <i>Tait J. Obritsch</i>		Date <i>1-27-04</i>					
Residence: City	Fairfield	State	ND	Country	U.S.A.	Citizenship	U.S.A.
Mailing Address 12796 10th Street S.W.							
Mailing Address							
City	Fairfield	State	ND	Zip	58627	Country	U.S.A.
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Joel J.		Bleth					
Inventor's Signature <i>Joel J. Bleth</i>		Date <i>Jan 07 2004</i>					
Residence: City	Dickinson	State	ND	Country	U.S.A.	Citizenship	U.S.A.
Mailing Address 1224 14th Street W, #4							
Mailing Address							
City	Dickinson	State	ND	Zip	58601	Country	U.S.A.
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))		Family Name or Surname					
Inventor's Signature		Date					
Residence: City		State		Country		Citizenship	
Mailing Address							
Mailing Address							
City		State		Zip		Country	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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## ASSIGNMENT

WHEREAS, we, Willard R. Tormaschy, Gary A. Kudrna, Tait J. Obritsch, and Joel J. Bleth, have invented certain new and useful improvements for which a provisional patent application for United States Letters Patent was filed on December 31, 2002 receiving Serial No. 60/437,217, a non-provisional patent application for United States Letters Patent was filed on December 30, 2003 receiving Serial No. 10/749,064, and a PCT application was filed on December 30, 2003 receiving Serial No. PCT/US03/41602; and,

WHEREAS, PSI-ETS, a North Dakota partnership whose address is Box 1940, Dickinson, North Dakota 50601 and whose principal partners are Joel J. Bleth and Willard R. Tormaschy (both citizens of the United States), is desirous of acquiring the entire right, title, and interest in and to the above-identified patent applications and the inventions embodied therein and any Letters Patent that may be granted therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid to us, the receipt thereof is hereby acknowledged, and other good and valuable consideration, we do sell, assign, and transfer to PSI-ETS, its successors, legal representatives, and assigns all right, title and interest in and to the above-identified patent applications and the inventions embodied therein in the United States and its territorial possessions and in all foreign countries and in all provisional, nonprovisional, division, continuation, continuation-in-part, substitution, reexamination, reissue, and any other extension applications thereof and all Letters Patent that may issue thereon.

We hereby authorize and request the Patent and Trademark Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent when granted to PSI-ETS as the assignee of the entire right, title, and interest in and to the same, for the use and enjoyment of PSI-ETS, its successors, legal representatives, and assigns.

Further, we agree that we will communicate to PSI-ETS, or its representatives, all facts known to us in regard to said inventions, and testify in any legal proceedings, sign all lawful papers, execute all provisional, nonprovisional, division, continuation, continuation-

# COPY

in-part, substitution, reissue, reexamination, and any other extension applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to PSI-ETS, make all rightful oaths, and generally do everything necessary or desirable to aid PSI-ETS, its successors and assigns to obtain and enforce proper protection for said inventions in the United States and in any foreign countries.

We hereby covenant that we have full right to convey the rights, titles, and interests assigned herein and that we have not executed and will not execute any agreement in conflict with this Assignment.

Willard R Tormaschy  
Willard R. Tormaschy

1-27-04  
Date

Gary A Kudrna  
Gary A. Kudrna

1-27-04  
Date

Tait J. Obritsch  
Tait J. Obritsch

1-27-04  
Date

Joel J. Bleth  
Joel J. Bleth

Jan 27 2004  
Date



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RECEIVED ON DATE STAMPED BELOW:

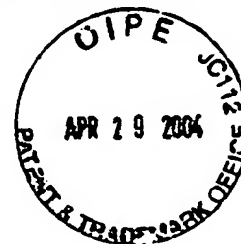
In Re: Patent Application of Willard R. Tormaschy et al.

Serial No.: 10/749,064

Filed: December 30, 2003

For: WATER CIRCULATION SYSTEMS FOR PONDS, LAKES, AND OTHER  
BODIES OF WATER

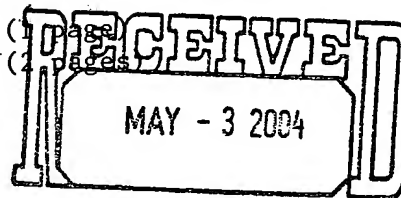
1. Transmittal (1 page)
2. Fee Transmittal (1 page)
3. Check/\$105
4. Response to Missing Parts (2 pages)
5. Declaration (3 pages)
6. Assignment Papers (3 pages)
7. Power of Attorney (1 page)
8. Statement Under 37 CFR 3.73(b) (1 page)
9. Notice of Missing Parts (copy) (2 pages)



WSC:jv

Date: April 27, 2004

DN 2027/17(b) - Bleth



DCSR&K DC

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

Application Number

10/749,064

Filing Date

December 30, 2003

First Named Inventor

Willard R. Tomaschky

Art Unit

Examiner Name

Attorney Docket Number

2027/17(b)

### ENCLOSURES

(Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Response to Missing Parts/  
Incomplete ApplicationResponse to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

Remarks

After Allowance communication  
to Technology Center (TC)Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please  
Identify below):

Declaration

Assignment Papers

Statement Under 37 CFR 3.73(b)

Notice of Missing Parts (copy)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

W. Scott Carson, Esq.

Individual name

Dorr, Carson, Sloan, Birney &amp; Kramer, P.C.

Signature

*W. Scott Carson*

Date

April 27, 2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

W. Scott Carson - 27,292

Signature

*W. Scott Carson*

Date

April 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 105

**Complete if Known**

Application Number	10/749,064
Filing Date	December 30, 2003
First Named Inventor	Willard R. Tomaschy
Examiner Name	
Art Unit	
Attorney Docket No.	2027/17(b)

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

04-1414

Dorr, Carson, Sloan &amp; Birney, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent		-20** =		X			
Claims		-3** =		X			
Multiple Dependent							

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 105

**SUBMITTED BY**

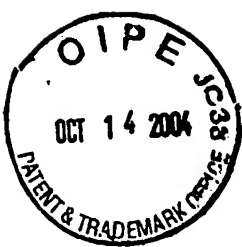
(Complete if applicable)

Name (Print/Type)	W. Scott Carson	Registration No. (Attorney/Agent)	27,292	Telephone	(303) 333-3010
Signature	W. Scott Carson	Date	April 27, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of :  
Willard R. Tormaschy et al. : Group Art Unit:  
Serial No.: 10/749,064 : Examiner:  
Filed: 12/30/2003 : Conf. No.: 7383  
For: WATER CIRCULATION SYSTEMS : ATT: T. Tu  
FOR PONDS, LAKES, AND OTHER :  
BODIES OF WATER :

### Certificate of Mailing

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated below addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

*W. Scott Carson*

W. Scott Carson, Reg. No. 27,292

April 27, 2004

Date of Deposit

### LETTER RE:

- (1) RULE 1.16(e) SUBMISSION OF DECLARATION,
- (2) ASSIGNMENT AND COVER SHEET,
- (3) POWER OF ATTORNEY,
- (4) RULE 3.73(b) STATEMENT,
- (5) COPY OF NOTICE OF MISSING PARTS,
- (6) CHECK, AND
- (7) REQUEST TO ASSOCIATE CUSTOMER NO. 23381 WITH THIS CASE

MS Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to Rule 1.16(e), please find enclosed the original Declaration in regard to the above-identified patent application and an Assignment and Cover Sheet along with a check in the amount of \$105 to cover the late filing of the Declaration and the recording of the Assignment.

A copy of the Notice Of Missing Parts is enclosed along with a Power Of Attorney and Statement Under Rule 3.73(b).

**PLEASE ASSOCIATE CUSTOMER NO. 23381 WITH THIS CASE.**

# COPY

Please charge any additional fee due or credit any refund to our  
Account No. 04-1414.

Respectfully submitted,

DORR, CARSON, SLOAN, BIRNEY & KRAMER, P.C.

By: W. Scott Carson  
W. Scott Carson  
Reg. No. 27,292  
3010 East 6th Avenue  
Denver, Colorado 80206  
(303) 333-3010





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## RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

PTO-1595  
(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

### 1. Name of conveying party(ies):

Willard R. Tormaschy

Gary A. Kudrna

Tait J. Obritsch

Joel J. Bleth

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

### 3. Nature of conveyance:



Assignment



Merger



Security Agreement



Change of Name



Other \_\_\_\_\_

Execution Date: January 27, 2004

### 2. Name and address of receiving party(ies)

Name: PSI-ETS

Internal Address: \_\_\_\_\_

Street Address: Box 1940

City: Dickinson State: ND Zip: 50601

Additional name(s) & address(es) attached? ☐ Yes ☒ No

### 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 10/749,064

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

### 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: W. Scott Carson, Esq.

Dorr, Carson, Sloan, Birney & Kramer, P.C.

Internal Address: \_\_\_\_\_

Street Address: 3010 East 6th Avenue

City: Denver State: CO Zip: 80206

### 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40



Enclosed



Authorized to be charged to deposit account

### 8. Deposit account number:

04-1414

DO NOT USE THIS SPACE

### 9. Signature.

W. Scott Carson - 27,292

Name of Person Signing

W. Scott Carson

Signature

April 27, 2004

Date

Total number of pages including cover sheet, attachments, and documents: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231